



# CITY COUNCIL MINUTES REGULAR MEETING JULY 16, 2019

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## CALL TO ORDER & ROLL CALL

Mayor Debbie Bertlin called the meeting to order at 5:00 pm in the Council Chambers of City Hall, 9611 SE 36th Street, Mercer Island, Washington.

Mayor Debbie Bertlin, Deputy Mayor Salim Nice, and Councilmembers Lisa Anderl, Wendy Weiker (arrived 5:03), and Benson Wong were present. Councilmembers Bruce Bassett and David Wisenteiner were absent.

## AGENDA APPROVAL

It was moved by Nice; seconded by Wong to:  
**Approve the agenda as presented.**  
Passed: 4-0  
FOR: 4 (Anderl, Bertlin, Nice, and Wong)  
ABSENT: 3 (Bassett, Weiker, and Wisenteiner)

## STUDY SESSION

### AB 5563: Aubrey Davis Park Master Plan Concept Alternatives

Interim City Manager Jessi Bon, Parks Superintendent Paul West, Interim Parks & Recreation Director Ryan Daly, and Juliet Vong, President of HBB Landscape Architecture, discussed the need to address major maintenance and infrastructure needs at Aubrey Davis Park due to aging facilities, declining landscape, limited sightlines, and lack of ADA access. Staff explained that the Aubrey Davis Park Master Plan will integrate capital projects into the broader Parks, Recreation, and Open Space planning process for systemwide project prioritization.

Utilizing extensive input received from a 10-month community engagement process, the planning team identified the following areas of focus for City Council consideration and feedback prior to the Community Open House scheduled for Monday, September 23:

1. Vegetation and Soils
2. Safety Improvements to the Trail System
3. Accessibility/ADA Compliance
4. Cultural Arts/Placemaking
5. New Amenities (Limited)

Erin Vivion, Chair of the Arts Council, also addressed the City Council and shared the Arts Council's efforts related to the ADMP.

In response to questions about funding, Interim City Manager Bon explained that staff intend to ask WSDOT to help fund the items identified; however, the current agreement does not address capital costs. She further explained that based on City Council's direction, the planning team would develop a set of preferred alternatives, which will be submitted for SEPA review and presented for public review and feedback at Open House #3 on Monday, September 23. Interim City Manager Bon also explained that City Council would have at least two additional opportunities to review the ADMP prior to Council adoption.

## SPECIAL BUSINESS, 7:00 PM

### AB 5575: 2019 Parks and Recreation Month Proclamation

Community Engagement & Program Manager Diane Mortenson introduced Debbie Hanson, Parkinson Disease Exercise Instructor; Leslie Sylvetsky, Senior Social Club Director; Herman Blinn, participant in the special needs

dance and workout classes; and Rory Westerberg and Amy Richter, Parks & Recreation Commission Members to accept the proclamation.

Mayor Bertlin proclaimed July 2019 as Parks and Recreation Month on Mercer Island and encouraged all residents to participate and support the many recreation activities, events, programs and facilities by public and private agencies and by attending Mostly Music in the Park Concerts, and Shakespeare in the Park Plays this summer.

## **CITY MANAGER REPORT**

Interim City Manager Jessi Bon introduced Police Chief Ed Holmes and asked him to address Saturday's shooting incident at Luther Burbank Park and security concerns regarding the Transit Interchange. Interim City Manager Bon also explained that the Police and Fire Chiefs will continue to problem solve the situation and will provide more information at the September 3 meeting. She also explained why she chose to use her personal NextDoor account to initially address the Luther Burbank incident.

Interim City Manager Jessi Bon reported on the following:

- \$194,000 STOP Grant awarded to YFS
- Recology Update:
  - Waivers will not be required for all private roads
  - Recology completing additional site assessments in the next six weeks
  - Looking at bringing in fourth, even smaller truck to service extremely tight roads
  - August 20 City Council Meeting Study Session with Recology
  - September Community Open House
- 2020 Hazard Mitigation Plan Update
- Proposed Commuter Parking Project Partner Meeting

## **APPEARANCES**

The following residents spoke in opposition to the bus intercept (transit interchange) in its current configuration:

- Dwight Schaeffer
- Ira Appelman
- Olivia Lippens
- Beth Christofferson
- Jeff Lippens
- Robin Russell
- Susan Lund
- Ashley Hay
- Leo Coddington
- Jon Hanlon
- Jake Jacobsen
- Ryan Rahlfs
- Craig Reynolds
- Peter Struck
- Tom Acker

Mark Hirayama, Mercer Island, spoke about the increase in cost for the due diligence for the BP/ARCO (Tully's) site.

Richard Karnes, Mercer Island, spoke about the Recology waivers for private roads and thanked the City Manager for resolving the issue.

The following residents spoke about MICA/YTN and the need for MICA to be part of the MOU with the City and MainStreet:

- Claire Sloss
- John Gordon Hill

- Erin Murray
- Kyle Gerstel
- Bharat Shyam
- Stephanie Bull
- Kate Swenson
- Paul Shoemaker
- Sharon Perez
- Patrick Allcorn

Gary Robinson, Mercer Island, spoke about the tone of the recent candidates' forum and uncertainty regarding the current issues facing the Council.

Yong Lee-Dunbar, Mercer Island, spoke about short-term rentals regulations and the issues with rentals at a neighbor's home. She asked the Council to enforce the code and elevate priority of short-term rental complaints.

Tom McDowell, Mercer Island, spoke about short-term rentals regulations.

Traci Granbois, Mercer Island, thanked Council for their service and encouraged residents to participate in the primary election.

Daniel Thompson, Mercer Island, expressed concern regarding the size of the July 16 agenda and encouraged Council to reduce the agenda size. He also reported that the Council is behind what's on NextDoor.

## CONSENT CALENDAR

**Payables: \$1,216,117.58 (06/13/2019), \$516,269.26 (06/28/2019), & \$38,754.10 (07/03/2019)**

**Recommendation:** Certify that the materials or services hereinbefore specified have been received and that all warrant numbers listed are approved for payment.

**Payroll: \$939,707.88 (06/07/2019), \$924,611.34 (06/21/2019), & \$867,557.66 (07/05/2019)**

**Recommendation:** Certify that the materials or services specified have been received and that all fund warrants are approved for payment.

**Minutes: June 4, 2019 Regular Meeting, June 18, 2019 Regular Meeting, & June 21 Special Meeting**

**Recommendation:** Approve the June 4, 2019 and June 18, 2019 Regular Meeting minutes and the June 21, 2019 Mid-year Planning Session minutes as written.

**AB 5583: 2019-2020 Interlocal Agreement with MISD for School-Based Counseling Services**

**Recommendation:** Authorize the City Manager to sign the Interlocal Agreement with the Mercer Island School District for Counseling Services during the 2019-2020 school year.

It was moved by Nice; seconded by Wong to:

**Approve the Consent Calendar as presented.**

Passed: 5-0

FOR: 5 (Anderl, Bertlin, Nice, Weiker, and Wong)

ABSENT: 2 (Bassett and Wisenteiner)

## REGULAR BUSINESS

**AB 5584: Due Diligence Costs for the City's Proposed Commuter Parking & Mixed-Use Project**

Senior Project Manager Kirsten Taylor explained that funds needed to be appropriated for due diligence and negotiation work related to the Purchase and Sale Agreement of the property located at 7810 SE 27<sup>th</sup> Street, also known as the BP/ARCO property. The work identified included the following:

- Environmental work, specifically a site delineation study to resolve data gaps based on the results of prior environmental studies to determine the extent of the BP/ARCO contamination,

- Legal work to negotiate a development agreement with MainStreet,
- Property rental with Parkway Center Management Group for the BP/ARCO property through the extended due diligence period ending November 1, 2019, and
- Updated staff and project expenses

It was moved by Wong; seconded by Nice to:

**Authorize the City Manager to (a) Enter into a professional services agreement with Aspect Consulting to provide a site delineation study at the former BP ARCO property; (b) Transfer \$139,899 from the Contingency Fund to the Town Center Parking Facilities Fund; and (c) Appropriate \$139,899 for additional due diligence and negotiation costs related to the environmental cleanup of the City's proposed commuter parking project, which will be reimbursed by known contaminator BP/ARCO.**

Passed: 5-0

FOR: 5 (Anderl, Bertlin, Nice, Weiker and Wong)

ABSENT: 2 (Bassett and Wisenteiner)

It was moved by Wong; seconded by Nice to:

**Authorize the City Manager to (a) Transfer \$129,624 from the Contingency Fund to the Town Center Parking Facilities Fund; and (b) Appropriate \$129,624 for additional legal work to negotiate a development agreement with MainStreet, property rental costs related to the City's proposed commuter parking project, and project management costs, which will all be reimbursed by Sound Transit when the project is constructed.**

Passed: 5-0

FOR: (Anderl, Bertlin, Nice, Weiker and Wong)

ABSENT: 2 (Bassett and Wisenteiner)

In addition, the Council requested that staff return at a future date with (1) an update on the pilot parking project and (2) develop benchmark reimbursements with Sound Transit.

#### **AB 5585: Mercer Island Transit Interchange Guiding Values**

Public Works Director Jason Kintner and Senior Project Manager Kirsten Taylor provided updated information to address community and Councilmember questions that were raised during the Sound Transit ("ST") and King County ("KC") Metro presentation at the March 19 Regular Meeting.

Director Kintner reviewed the Transit Interchange data and key intercept questions and asked for Council direction regarding the proposed response letter to ST and KC Metro using the City Council's Guiding Values for the Mercer Island interchange:

- 1) Align with the City's adopted Comprehensive Plan,
- 2) Address pedestrian, bicycle, and vehicular safety throughout the interchange area, and
- 3) Design landscape and vegetation enhancements throughout the interchange area.

City Council debated the issue at length and expressed a desire to hire a consultant to reassess the bus intercept configuration provided by Sound Transit and King County Metro. Council then requested that Deputy Mayor Nice and Councilmember Wong serve on a subcommittee ("Working Group") with staff to reassess the bus intercept configuration provided by Sound Transit and King County metro.

Interim City Manager Jessi Bon explained that staff needed engineering resources to assist with the assessment and provide an independent evaluation regarding the proposed Mercer Island Bus Intercept facility.

It was moved by Bertlin; seconded by Weiker to:

**Authorize staff to spend up to \$50K to reassess the bus intercept configuration including:**

- **Concerns about loss of intersection capacity**
- **Concerns about pedestrian volume, pedestrian safety, and volume of crossings on North Mercer Way**
- **Bicycle safety**
- **Landscaping**
- **Addressing public safety and concerns about crime**

Passed 5-0

FOR: (Anderl, Bertlin, Nice, Weiker and Wong)  
ABSENT: 2 (Bassett and Wisenteiner)

It was moved by Bertlin; seconded by Anderl to:

**Confirm the appointment of Deputy Mayor Nice and Councilmember Wong to the short-term working group.**

Passed 5-0

FOR: (Anderl, Bertlin, Nice, Weiker and Wong)  
ABSENT: 2 (Bassett and Wisenteiner)

### **AB 5588: Code Compliance and Short-term Rentals Discussion**

Interim City Manager Jessi Bon reported that this issue was not as urgent as it was the previous week when it was placed on the agenda. The immediate needs were addressed, and staff have the tools needed to deal with the situation. The Council decided to move AB 5588 to a future meeting.

### **OTHER BUSINESS**

#### **Councilmember Absences**

Councilmembers Bruce Bassett and David Wisenteiner's absences were excused.

#### **Planning Schedule**

Interim City Manager Jessi Bon reported that the first meeting in October conflicted with Rosh Hashanah and suggested that Council consider moving the meeting date. City Clerk Estrada will follow-up with Council. The Council canceled the August 6 Regular Council Meeting.

#### **Board Appointments**

Mayor Bertlin reported that she and Deputy Mayor Nice would discuss the Design Commission applications and make a recommendation to Council for appointment at the August 20, 2019 meeting.

#### **Councilmember Reports**

Councilmember Wong reported that he would send an email reminder regarding the July SCA PIC packet that he is seeking Council direction on.

Deputy Mayor Nice provided an update on the Renton Airport Master Plan and WRIA8 concerns regarding impacts from the airport runway.

Mayor Bertlin reported that the GMPC meeting is coming up.

### **EXECUTIVE SESSION**

At 11:38 pm, Mayor Bertlin convened the Executive Session:

1. For planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b); and
2. To discuss pending or potential litigation with legal counsel pursuant to RCW 42.30.110(1)(i) for approximately 60 minutes. No action is expected.

At 11:56 pm, Mayor Bertlin adjourned the Executive Session.

### **ADJOURNMENT**

The Regular Meeting adjourned at 11:57 pm.

Attest:

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Debbie Bertlin, Mayor

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Deborah A. Estrada, City Clerk